

GENERAL ORDINANCE

NO. G- 11-91

AN ORDINANCE amending the City of
Fort Wayne Zoning Ordinance.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1: That Sec. 33-14, subsection (f) (8) a. be
deleted in its entirety and replaced with the following new
subsection (f) (8) a.

a. (i) Primary and secondary development plans shall be
submitted and accompanied with an application on forms
prescribed by the Plan Commission, complete with the
signature of one hundred (100) per cent of the owners
of record of the tract involved, and shall have been
prepared in accordance with the provisions of this
ordinance as well as the recommendations of the
preapplication discussion. After approval of the
primary development plan is granted by the commission,
any amendments thereto made prior to secondary
development plan approval by the commission shall be
shown on a form prescribed by the commission and shall
contain the signature of the original developers (or
successors to the original developers) and need not
contain signatures of all real property owners within
the development. After secondary development plan
approval is granted by the commission, then further
amendments thereto shall be shown on a form prescribed
by the commission.

(ii) Any property owner within the development may file
an amendment to an approved secondary development plan
provided that they place on notice, by certified return
receipt mail, all of the other owners of record of the

1 real estate contained in the development. Receipt of
2 such notice along with an owners address list must be
3 furnished to the Plan Commission prior to the scheduled
4 meeting.

5 SECTION 2: That this Ordinance shall be in full force and
6 effect from and after its passage and approval by the mayor.
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8
9 _____
Councilmember

10 APPROVED AS TO FORM AND LEGALITY:
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12 _____
13 J. Timothy McCaulay, City Attorney
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2 BILL NO. G-91-02-19

3 ZONING ORDINANCE AMENDMENT NO. G-_____

4 AN ORDINANCE amending the City of
5 Fort Wayne Zoning Ordinance.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
7 FORT WAYNE, INDIANA:

8 SECTION 1: That Sec. 33-14 (f) (8) be deleted in its
9 entirety and replaced with the following:

10 a. Primary and/or secondary development plans shall be
11 submitted and accompanied with an application on forms
12 prescribed by the Plan Commission, complete with the
13 signature of one hundred (100) per cent of the owners of
14 record of the tract involved, and shall have been prepared
15 in accordance with the provisions of this ordinance as well
16 as the recommendations of the preapplication discussion.
17 After approval of the primary development plan is granted by
18 the commission, any amendments thereto made prior to
19 secondary development plan approval by the commission shall
20 be shown on a form prescribed by the commission and shall
21 contain the signature of the original developers (or
22 successors to the original developers) and need not contain
23 signatures of all real property owners within the
24 development. After secondary development plan approval is
25 granted by the commission, then further amendments thereto
26 shall be shown on a form prescribed by the commission. Any
27 property owner may file an amendment to a secondary
28 development plan provided that they must place on notice, by
29 certified return receipt requested mail, all of the other
30 owners of record of the real estate contained in the B-2
31 district. Receipt of such notice along with an
32 owners/address list must be furnished to the Plan Commission

Read the first time in full and on motion by Henry, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 2-12-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Paul Helmke, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD				<u>✓</u>
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-9-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE RESOLUTION NO. 12-11-91 on the 9th day of April, 1991

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of April, 1991, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of April, 1991, at the hour of 11:15 o'clock PA M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

#457

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Community & Economic Development

SYNOPSIS OF ORDINANCE Modifies the requirements for submittal of an amendment to a previously approved secondary development plan for a B-2 District.

B-91-02-19

EFFECT OF PASSAGE Provides for an equitable due process procedure for individual properties within a planned shopping center.

EFFECT OF NON-PASSAGE Current language restricts amendment petition to require signatures representing a minimum of 50% of the entire land area within a B-2 District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

**Division of Community
Development & Planning**

BRIEF TITLE APPROVAL DEADLINE REASON

Zoning Ordinance Amendment

DETAILS

Specific Location and/or Address

N/A

Reason for Project

Modifies the requirements for submittal of an amendment to a previously approved secondary development plan for a B-2 District.

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Larry Magliozi, Senior Planner with Land Use Management, Division of Community & Economic Development appeared before the Commission. Mr. Magliozi stated that this will change the development plan procedure for B-2 Districts. He stated that the existing text currently requires that signatures of fifty percent (50%) of the property owners of the land area contained in the secondary development plan be obtained as a filing requirement. The amendment will delete this requirement and require only the signature of the interested party, with notification to all other owners within that development.

There was no one else present who wished to speak in favor of or in opposition to the proposed text amendment.

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
City Plan Commission
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**

☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date February 8, 1991

Projected Completion or Occupancy

Date March 26, 1991

Fact Sheet Prepared by

Patricia Biancaniello

Date March 26, 1991

Reviewed by

H. Magliozzi

Date 3-28-91

Reference of Case Number

BILL NO. G-91-02-19 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map Ordinance

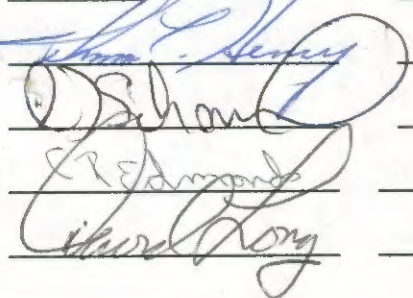
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 4-9-91.

Sandra E. Kennedy
City Clerk

RESOLUTION OF ZONING ORDINANCE TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 12, 1991 referred a proposed text amendment, which proposed amendment was designated as Bill No. G-91-02-19; and,

WHEREAS, the required notice of public hearing on such proposed amendment has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed amendment on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this amendment be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held on March 25, 1991.

Certified and signed this
26th day of March 1991.



Robert Hutner
Secretary